

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
THOMAS MACLEOD,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 04-11629-PBS
	)	
DAVID NOLAN,	)	
	)	
Respondent.	)	
_____	)	

**MOTION FOR ENLARGEMENT OF TIME  
TO FILE ANSWER OR RESPONSIVE PLEADINGS TO  
PETITION FOR WRIT OF HABEAS CORPUS**

The respondent, David Nolan, through counsel, respectfully moves this Court to enlarge the time in which to file an answer or other responsive pleading to the above-captioned petition for writ of habeas corpus to August 25, 2004.

As grounds therefor, the respondent's attorney states:

1. Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts requires the respondent to answer each allegation of the complaint and state whether the petitioner has exhausted state remedies including post-conviction actions. The Rule also requires that the respondent indicate what transcripts or parts of state court proceedings are available.

2. To this end, the respondent's attorney has requested the record of the petitioner's state court proceedings from the Suffolk County District Attorney's office. The district attorney's office is locating the files, which will speak to whether the petitioner has exhausted his state court remedies for the claims he now asserts.

WHEREFOR, the respondent respectfully moves this Court to enlarge the time for filing

an answer or other responsive pleading in the above-captioned petition to August 25, 2004.

Respectfully submitted,

THOMAS F. REILLY  
ATTORNEY GENERAL

/s Susanne G. Reardon  
Susanne G. Reardon  
Assistant Attorney General  
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Dated: August 16, 2004

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon petitioner at the address below on August 16, 2004, by depositing the copy in the office depository for collection and delivery by first-class mail, postage pre-paid, to him as follows:

Thomas MacLeod, pro se  
P.O. Box 100  
South Walpole, MA 02071

/s Susanne G. Reardon  
Susanne G. Reardon  
Assistant Attorney General

